

Higher Education Governance Structures

Utah Constitutional and Statutory Provisions

August 27, 2013

State Legislature

Utah Constitution

"The Legislature shall provide for the establishment and maintenance of the state's education systems including: . . . (b) a higher education system. Both systems shall be free from sectarian control." *Utah Constitution Article X, Section 1*

State Board of Regents

Utah Constitution

"The general control and supervision of the higher education system shall be provided for by statute." Article X, Sect. 4

Utah Code

The State Board of Regents consists of 16 voting members appointed by the Governor, including 1 member selected from a list of 3 students nominated by the Student Body Presidents Council, and 3 non-voting members including 2 members of the State Board of Education and 1 member of the Utah College of Applied Technology Board of Trustees. *Section 53B-1-104*

Duties

- Control, manage, and supervise the institutions of higher education. *Section 53B-1-103*
- Appoint a president for each institution, in consultation with the institution's board of trustees. *Section 53B-2-102*
- Establish and define the role for each institution of higher education. *Section 53B-16-101*
- Prescribe the general course of study, including programs, for each institution. *Section 53B-16-101*
- Approve changes in curriculum and conduct reviews of all programs of instruction. *Section 53B-16-101*
- Approve an institution's granting of degrees, diplomas, and certificates. *Section 53B-16-103*

Commissioner of Higher Education

Utah Code

The board, upon approval from the governor and with the consent of the Senate, shall appoint a commissioner of higher education to serve at its pleasure as its chief executive officer. The commissioner may be terminated by the board or the governor after consultation with the board. *Section 53B-1-105*

Duties

- Ensure that the policies and programs of the Board of Regents are properly executed.
- Furnish information about the state system of higher education and make recommendations to the Board.
- Provide state-level leadership in any activity affecting an institution in the state system of higher education.
- Perform other duties as prescribed by the State Board of Regents. *Section 53B-1-105*

Board of Trustees of an Institution

Utah Code

An institution's board of trustees consists of 10 total members including: 1) 8 members appointed by the Governor; 2) the president of the institution's alumni association; and 3) the president of the associated students of the institution. *Section 53B-2-104*

Duties

- Acts on behalf of its institution in performing duties, responsibilities, and functions as may be specifically authorized to the board of trustees by the State Board of Regents. *Section 53B-2-103*

President of an Institution of Higher Education

Utah Code

After consulting with the institution's board of trustees, the State Board of Regents appoints a president for each institution. *Section 53B-2-102*



Duties

- Appoint deans, faculty, and other professional personnel with the approval of the institution's board of trustees.
- Adopt human resource policies and set salaries and budgets for the operation and administration of the institution.
- Provide for the constitution, government, and organization of the faculty and administration and enact implementing rules, including the establishment of a prescribed system of tenure. *Section 53B-2-106*

Utah College of Applied Technology Board of Trustees

Utah Code

The Utah College of Applied Technology (UCAT) Board of Trustees currently consists of 18 members including: 1 member of the State Board of Education, 1 member of the State Board of Regents, 1 member representing each UCAT college campus, 1 member representing Snow College, 1 member representing Utah State University-Eastern, 1 member representing Salt Lake Community College, 3 members appointed by the Governor, the commissioner of higher education, and executive director of the Governor's Office of Economic Development or the director's designee. *Section 53B-2a-103*

Duties

- Control, manage, and supervise the UCAT college campuses and appoint the UCAT President.
- In conjunction with the UCAT President, establish benchmarks, provide oversight, evaluate program performance, and obtain independent audits to ensure that UCAT campuses follow the non-credit career and technical education mission.
- Approve programs for the Utah College of Applied Technology.
- Approve the tuition rates for the Utah College of Applied Technology. *Section 53B-2a-103*

Utah College of Applied Technology President

Utah Code

The UCAT Board of Trustees, upon approval from the governor and with the consent of the Senate, shall appoint a president for UCAT. The president shall serve at the board of trustees' discretion and may be terminated by the board of trustees or the governor after consultation with the board of trustees. *Section 53B-2a-102*

Duties

- Direct UCAT and coordinate the activities of each of the UCAT college campuses. *Section 53B-2a-102*

UCAT Campus Board of Directors

Utah Code

Each UCAT college campus has a campus board of directors comprised of 10, 12, or 18 members appointed by various individuals or groups as described in statute including, the local school boards of school districts located within the service area of each campus and the boards of trustees of the higher education institutions located within the service area of each campus. *Section 53B-2a-108*

Duties

- Assist the campus president in preparing a budget request to submit to the UCAT board of trustees.
- Develop programs and policies for the campus and establish human resources and compensation policies for all employees of the campus.
- Develop policies and procedures for admissions, instruction, and examination of students. *Section 53B-2a-110*

UCAT Campus President

Utah Code

Each UCAT college campus president is appointed by the UCAT President, after consultation with the campus board of directors for that campus and with the approval of the campus board of trustees. *Section 53B-2a-107*

Duties

- Serves as the executive officer of the campus board of directors.
- Administers the day-to-day operations of the college campus.
- Consults with the campus board of directors. *Section 53B-2a-107*